

REMARKS

The amendment to the specification corrects an obvious error.

Claim 1 has been amended to provide antecedent basis for the term "knife cylinder".

This term was positively introduced in original claim 2, and therefore does not present a new issue.

Claim 1 has also been amended to refer to the "motor driving the knife cylinder", in order to distinguish it from the motor driving the plate cylinder of the printing press. Additionally, claim 1 has been amended to positively recite the step which is implicitly recited in the preamble, and already acknowledged by the examiner as a step. The objection to claims 9 and 10 is not understood; these claims do not appear to contain informalities.

Claims 1 and 9 stand rejected under 35 U.S.C. §103(a) as being anticipated by Hayamizu et al. U.S. 4,721,058 in view of Sigel et al. U.S. 6,532,872. Since anticipation requires that all claim limitations be found in a single reference, this will be treated as an obviousness rejection. Reconsideration and withdrawal of the rejection are requested for the reasons following.

The present invention relates to a method for cross-cutting a moving web which includes the steps of printing the web in a web fed rotary printing press with a repeated sequence of at least two printed pages with different heights, and supplying the web at an approximately constant speed to a cross-cutting device comprising a knife cylinder. The further steps of cutting the web, selecting a movement sequence, and predefining the movement sequence in accordance with the height of the next printed page means that the rotary speed of the knife cylinder is changed (increased or decreased) between cutting operations in order to achieve the cut at a desired point between printed pages. The final steps (communicating the rotary position of the plate cylinder and predefining the movement sequence) cause further speed changes which synchronize the cutting of the web with the position of the printing cylinder.

Hayamizu discloses a paper cutting unit of a drawing machine. It has nothing to do with printing; there is no reference to printing anywhere in the patent. Drawing machines are in Class 33 (geometric instruments), and printing machines are in Class 101. Thus, contrary to the assertion of the examiner, Hayamizu does not disclose printing the web, much less printing the web with a repeated sequence of at least two printed pages. On the contrary, since drawing proceeds quite slowly as compared to printing, it is unlikely that the sequence is repeated. If it were desired to repeat the sequence, printing would likely be chosen over drawing. So Hayamizu teaches away from printing.

Further, there is nothing to indicate that the web is supplied to the cross-cutting device at a constant speed. On the contrary, it appears that the feed is intermittent. See in particular the passage at column 10, lines 3-8, which reads as follows:

a paper cutting operation may not be carried out simultaneously with a figure drawing operation by the automatic drawing machine; and the drawing paper of a desired size can be output independently of and even after the figure drawing operation by the automatic drawing machine

The apparatus of Hayamizu is used for a relatively slow process wherein a web is provided with markings when it is drawn, and later fed to a cutting system where the markings are read so the web can be cut at the right place. This too mitigates against the assumption that the drawn images are repeated. If they were repeated, a complex marking system would not be necessary.

From the foregoing it should be apparent that Hayamizu does not suggest changing the speed of the cutting cylinder to achieve the cut at a desired point, or of changing the speed to synchronize it with the speed of a printing cylinder.

Sigel is cited for its disclosure of a web-fed rotary printing press that "is able to accommodate a variety of publications and can accommodate for different changes". However


Sigel fails to disclose or suggest any of the above-mentioned limitations with respect to speed changes for controlling the size of the cut sheets. Further, the substitution of the printing press of Sigel for the drawing apparatus of Hayamizu would completely change the principle of the prior art invention being modified, which is impermissible. In re Ratti, 123 USPQ 49 (CCPA 1959). See MPEP 2143.01.

In sum, the combination propounded by the Examiner fails to meet any of the criteria required to establish a *prima facie* case of obviousness to wit: (1) there must be some suggestion or motivation to modify the reference or to combine the teachings, (2) there must be a reasonable expectation of success, and (3) the references must teach or suggest all the claim limitations. For a more complete explanation of these requirements, see MPEP §§2142 and 2143.

The claims as amended being definite and clearly patentable over the art of record, withdrawal of the rejections and early allowance are solicited. If any objections remain, a call to the undersigned is requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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